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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,031	07/25/2003	Gopala Pillai	KMI010USU	3706
45180	7590	11/03/2005		
GRIMES & BATTERSBY, LLP 488 MAIN AVENUE, THIRD FLOOR NORWALK, CT 06851			EXAMINER ABDELWAHED, ALI F	
			ART UNIT	PAPER NUMBER
			3722	
DATE MAILED: 11/03/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Tata

**Office Action Summary**

Application No.

10/627,031

Applicant(s)

PILLAI ET AL.

Examiner

Ali Abdelwahed

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11, 13-17 and 19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-17 and 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Objections*

Claims 1, 4, 6, 7, 9-11, 14-17, and 19 are objected to because of the following informalities:

It is suggested that in:

Claim 1, lines 12 and 18, delete "appendage" and insert --appendages--.

Claim 1, line 12, before "...on said body..." delete "surface" and insert --surfaces--.

Claim 1, lines 16 and 17, delete "surface" and insert --surfaces--.

Claim 4, line 4, delete "appendage is" and insert --appendages are--.

Claims 6, 7, 10, and 16, delete "ribbed elements" and insert --ribs--.

Claims 9 and 17, line 2, delete "surface on said body is" and insert --surfaces on said body are--.

Claim 9, line 3, delete "appendage is" and insert --appendages are--.

Claim 10, line 3, delete "is" and insert --are--.

Claim 10, line 4, delete "surface" and insert --surfaces--.

Claim 11, lines 2 and 3, delete "leg or wing to said".

Claim 11, line 3, delete "appendage is" and insert --appendages are--.

Claim 14, lines 1 and 2, delete "at least one appendage" and insert --appendages--.

Claim 15, line 3, before "...outer..." delete "the" and insert --an--.

Claim 15, lines 12, 18, and 19, delete "surface" and insert --surfaces--.

Claim 15, lines 20, 21, and 23, delete "appendage" and insert --appendages--.

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Claim 15, line 26, delete "appendage is" and insert --appendages are--.

Claim 16, line 4, delete "surface" and insert --surfaces--.

Claim 19, lines 15, 18, 19, 21, 23, and 25, delete "appendage" and insert --appendages--.

Claim 19, line 15, after "...corresponding to said planar..." delete "surface" and insert --surfaces--.

Claim 19, line 18, delete "at least one".

Claim 19, lines 20 and 21, delete "surface" and insert --surfaces--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11, 13-17, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,980,260 to Caputi in view of U.S. Patent No. 5,380,233 to Numoto and U.S. Patent No. 4,186,515 to Ogawa.

Caputi discloses the claimed invention except for having an arcuate shoulder ridge extending partially around the planar surfaces of the body exposing a portion of the planar surfaces having sufficient width to allow the appendages to be slid therein, a means for limiting the rotational and linear movement of the appendage relative to the

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body comprised of a pair of complementary ribbed elements disposed on the planar surfaces, wherein one set of ribbed elements are comprised of beveled raised elements and the other set of ribbed elements are comprised of beveled recessed elements that engage each other when the appendage is attached to the body; the magnetic elements are disposed within the planar surfaces of the body and appendage; and wherein the ribs are approximately 0.75mm wide and 0.75mm deep and have a diameter of approximately 9.75mm.

However, Ogawa teaches a toy animal (2) comprising a body (4) having an arcuate shoulder ridge (see figs. 1, 4, defined by the arcuate shoulder ridge that partially surrounds the front legs of the horse located just below the bores defined by reference numeral 20) extending partially around the planar surfaces of the body exposing a portion of the planar surfaces having sufficient width to allow the appendages to be slid therein (see figs. 1, 4). Furthermore, Numoto teaches an attachment means for attaching appendages to a figure comprising an arcuate ridge (see fig. 5, defined by reference numeral 52), and that limit the rotational and linear movement of the appendage relative to the body, and is comprised of a pair of complementary ribbed elements (56), wherein one set of ribbed elements are comprised of beveled raised elements (57) and the other set of ribbed elements are comprised of beveled recessed elements (53) that engage each other when the appendage is attached to the body (see figs. 5, 6); magnetic elements (60, 63) that are disposed within the planar surfaces of the body and the elements configured to be attachable to the body (see figs. 5, 6).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the toy of Caputi, in view of Numoto and Ogawa, such that it would provide the toy of Caputi with the concept of the aforementioned limitations for the purpose of providing a more lifelike appearance to the toy animal, and a stronger and more secure attachment structure for the appendages and body of the toy.

Additionally, it would have been an obvious matter of design choice to modify the size of the ribs to be approximately 0.75mm wide and 0.75mm deep and have a diameter of approximately 9.75mm, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955). Furthermore, there is no criticality for these limitations anywhere in the specification of the present invention (see pgs. 13 and 14, lines 24-26 and 1, respectively).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-11, 13-17 and 19 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ali Abdelwahed whose telephone number is (571) 272-4417. The examiner can normally be reached Monday through Friday from 10:00 A.M. to 6:30 P.M.

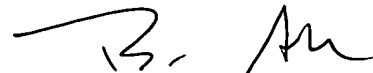
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the examiner or the examiner's supervisor.



AA

10/24/2005



BOYER D. ASHLEY  
PRIMARY EXAMINER